IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO: 6748 of 2004

Between:

1. Chandoori Muthaiah S/o Kistaiah, 55 yrs, Occ: Agriculture, Pallegudem(V), Khammam Rural (M) Khammam Dist.
2. Chandoori Nageswara roa S/o Veeraiah, 40 yrs, Occ: Teacher, Pallegudem(V), Khammam Rural (M) Khammam Dist.
3. Chandoori Sudhakar S/o Veeraiah, 30 yrs, Occ: Agriculture, Pallegudem(V), Khammam Rural (M), Khammam Dist.
4. Linga Mallamma W/o Ramulu, 60 yrs, Occ: household, Pallegudem(V), Khammam Rural (M) Khammam Dist.
5. Tommu Nagaratnamma W/o Krishanaiah, 35 yrs, Occ: Household, Kamanchika (V) Khammam Rural (M) Khammam Dist.
6. Kanakamedala Venkatarathanm W/o Satyanarayana, 30 yrs, Occ: Agriculture, Pallegudem(V) Khammam Rural (M) Khammam Dist.
7. Chandoori Seetharamaiah S/o Pattaiah, 65 yrs, Occ: Agriculture coolie, Pallegudem(V) Khamman Rural (M) Khamman Dist.
8. Chandoori Venkataiah S/o Pattaiah, 65 yrs, Occ: Agriculture coolie, Pallegudem(V) Khamman Rural (M) Khamman Dist.
9. Chandoori Laxmaiah S/o Pattaiah, 28 yrs, Occ: Agricultural coolie, Pallegudem(V) Khamman Rural (M) Khamman Dist.
10. MShakuntala w/o Sangaiah, 25 yrs, Occ: Agricultural coolie, Kodad, Nalgonda Dist.

..... PETITIONERS

AND

1. Govt. of A.P., rep. By its Secretary, Revenue Department, Secretariat, Hyderabad.
2. The District Collector, Khamman Dist.
3. Revenue Divisional Officer, Khamman Dist.
4. Mandal Revenue Officer, Khammam Rural (M), Khamman Dist.
5. The Superintendent Engineer, NSC (Monitoring Division), Tekulapally, Khammam.
6. The Executive Engineer, NSC (Monitoring Division), Tekulapally,

Khammam.
7. Telengana IV Class Employees Association, Khammam District, rep. by its President Sri. Kodi Lingiah (R-7 is impleaded as per C.O. Dt. 30.8.2004 in WPMP.NO.18651 OF 2004).
8. Missionaries of Charity, Home for Sick and Dying Destitutes, rep. by Sister Jeevana, Boiguda, Secunderabad (R8 is impleaded as per court order Dt. 20-12-2004 in WPMP No.25320 of 2004).

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or direction preferably writ of mandamus declaring the action of the respondents in taking steps for allotment of the land in Sy.No.129/2, 130/2, 131, 132/1, 132/2, 133/2, total admeasuing Ac. 42/14 gts. situated at Polepally (V) Khammam Rural (M) khammam Dist. to 3rd parties / associations ,/ Charitable trusts without considering the request of the petitioner for allotment is illegal, arbitrary, discriminatory, and violative of principles of natural justice and consequently direct the respondents to allot the said land to the petitioners subject to any condition since petitioners are land loosers in view of acquisition of the land earlier and pass such other or further orders as the Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.KOWTURU VINAYA KUMAR

Counsel for the Respondent Nos.1 to 6: GP FOR REVENUE

Counsel for the Respondent No.8: MR. C.V. MOHAN REDDY

The Court made the following Oral Judgment:

Since the land of the petitioners was acquired in 1970 and since the awards were passed on 29-01-1970 and 09-03-1970, the petitioners cannot have any claim over the land acquired and so the prayer sought for by the petitioners in this petition cannot be granted to them. Hence, the Writ Petition is dismissed. However, if the petitioners are otherwise eligible for assignment of the land anywhere in the acquired area and depending on their eligibility for assignment, the Government is at liberty to consider the application for assignment. No costs.

Sd/- ASADULLAH KHAN

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Secretary, Revenue Department, Secretariat, Govt. of A.P., Hyderabad.

2. The District Collector, Khamman Dist.

3. Revenue Divisional Officer, Khamman Dist.

4. Mandal Revenue Officer, Khammam Rural (M), Khamman Dist.

5. The Superintendent Engineer, NSC (Monitoring Division), Tekulapally, Khammam.

6. The Executive Engineer, NSC (Monitoring Division), Tekulapally, Khammam.

7. 2 CCs to the Govt. Pleader for Revenue, High Court Buildings, Hyderabad (O.U.T).

8. 2 CD copies.

9. One CC to Mr. C.V.Mohan Reddy, Advocate (OPUC).

10.One CC to Ms. S.Nanda, Advocate (OPUC).

11.One CC to Mr.K.Vinay Kumar, Advocate (OPUC). MRC*

HIGH COURT

DATED: 7-2-2005

ORDER

W.P.NO. 6748 OF 2004

DISPOSING OF THE W.P. WITHOUT COSTS.